Supreme Court, U.S.
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No. 00-1120

In the Supreme Court of the United States

EVANS KOUKIOS D/B/A SCIENTIFIC INFORMATION SYSTEMS

Petitioner,

VS.

MICHAEL GANSON, L.P.A, ET AL.

Respondents.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

RESPONDENTS GRAYDON, HEAD & RITCHEY AND HARRY J. FINKE'S BRIEF IN OPPOSITION TO WRIT OF CERTIORARI

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The decision by the United States Court of Appeals for the Sixth Circuit was proper and in accordance with established principles of law. The Sixth Circuit's decision does not raise any unsettled federal question or other legal issue which is the subject of conflicting interpretations in the federal circuit courts of appeal. This case simply does not present any compelling issues which would justify this Court asserting jurisdiction by granting Mr. Koukios' Writ of Certiorari.

ARGUMENT

On October 10, 1996, Mr. Koukios filed a Complaint in the United States District Court for the Southern District of Ohio against various defendants, including the law firm of Graydon, Head & Ritchey ("GH&R") and one of its attorneys, Harry Finke. In a nutshell, Mr. Koukios alleged that GH&R and Mr. Finke were negligent for (1) failing to file a disciplinary action or take some other action against another attorney, Defendant Ganson, with respect to his alleged misconduct during the course of litigation, and (2) divulging confidential information about Mr. Koukios to another attorney. On January 6, 1997, Mr. Finke and GH&R filed a Motion for Summary Judgment, setting forth both procedural and substantive defenses. In its March 17, 1999 decision, the District Court dismissed all of Mr. Koukios' claims against GH&R and Mr. Finke for lack of subject matter jurisdiction.

On August 27, 1999, Mr. Koukios filed a Notice of Appeal relative to only certain portions of the District Court's decision. Mr. Finke's name was never even mentioned in either Mr. Koukios' Notice of Appeal or in his Brief to the

Sixth Circuit. As such, it would be unreasonable to conclude that Mr. Koukios has preserved for appeal any issue relating in any way to Mr. Finke. This Court should, therefore, decline to address any issues relating to Mr. Finke.

On August 11, 2000, the Sixth Circuit affirmed the District Court's decision, finding, *inter alia*, that the District Court did not abuse its discretion by declining to assert supplemental jurisdiction over Mr. Koukios' state law claims against GH&R. Koukios did not appeal the District Court's determination that no independent grounds for federal jurisdiction existed with respect to his claims against GH&R.

It does not appear from Mr. Koukios' Writ of Certiorari that he is requesting a review of the Sixth Circuit's determination that the District Court did not abuse its discretion by failing to assert supplemental jurisdiction. The Writ, however, includes the following legal and factual inaccuracies relating to Mr. Koukios' claims against GH&R:

1) The District Court did not enter judgment in favor of Koukios on GH&R's Motion for Summary Judgment as it related to the statute of limitations defense. See Writ at p. 5. Rather, the District Court summarily dismissed all claims against GH&R for lack of subject matter jurisdiction, making the remainder of the Motion for Summary Judgment, including the statute of limitations defense, moot.

2) The District Court did not "recognize a pendant state law claim for attorney malpractice against GH&R." See Writ at p. 5. Rather, the District Court in its March 17, 1999 decision specifically declined to assert supplemental jurisdiction over Koukios' state law claims.

CONCLUSION

This case lacks any compelling issues sufficient to justify granting Mr. Koukios' Writ. It involves no important or unsettled federal question or other legal issue which is the subject of conflicting interpretations in the federal circuit courts of appeal. Accordingly, this Court should deny Petitioner's Writ of Certiorari.

Respectfully submitted,

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